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Appellants:	Christopher P. Olson et al.	Docket No.:	14,512.1
Serial No.:	10/676,662	Group:	3761
Confirmation No:	8978	Examiner:	Jacqueline F. Stephens
Filed:	September 30, 2003	Date:	April 12, 2007
For:	Absorbent Articles With Non-Irritating Refastenable Seams		

Brief on Appeal to the Board of Patent Appeals and Interferences

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 41.37 Appellants respectfully submit this Brief in support of their Appeal of Examiner Stephen's Final Rejection of claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 which was mailed on November 3, 2006.

On February 5, 2007, Appellants, pursuant to 37 C.F.R. 41.31 mailed a timely Notice of Appeal. The Office date of receipt of the Notice of Appeal is February 9, 2007. Thus, the time period for filing this Brief absent an extension ended on April 9, 2007. Because Appellants extend the time period for filing this Brief by one-month pursuant 37 CFR 1.136(a) and MPEP 1205.01 via the attached Petition For One-Month Extension of Time, the time period for filing this Brief now ends on May 9, 2007.

Real Party in Interest

The Real Party in Interest is Kimberly-Clark Worldwide, Inc., the assignee of record.

Related Appeals and Interferences

There are no related appeals and/or interferences with regard to the present Application.

Status of Claims

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Claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 remain in the application with claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 being finally rejected. Claims 2, 3, 5, 6, 10, 12, 13, 16, 20, 22, and 23 have been canceled. The claims on appeal are 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34, which appear in the CLAIMS APPENDIX of this Brief.

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Status of Amendments

No amendments were filed after the Final Office Action mailed November 3, 2006.

Summary of Claimed Subject Matter

Independent claim 1 is directed to an absorbent article defining a longitudinal axis, an overall length dimension measured parallel to the longitudinal axis, a transverse axis, first and second longitudinally spaced waist regions, a crotch region which extends between and interconnects the first and second waist regions, an inner surface and an opposite outer surface. See, e.g., page 10, lines 20-26. The absorbent article is adapted to provide a pant configuration having a waist opening and a pair of leg openings. See, e.g., page 11, lines 10-19, and Fig. 1. The absorbent article comprises an absorbent chassis comprising an absorbent assembly (see, e.g., page 10, line 31 to page 11, line 4), and attachment panels that extend transversely outward from the absorbent assembly in the first waist region (see, e.g., page 10, lines 31-34 and Figs. 2 and 3). The attachment panels have a length dimension that is about 20 percent or greater of the overall length dimension (see, e.g., page 18, lines 1-5). Each attachment panel consists essentially of an elastomeric nonwoven material that extends from the waist opening to one of the leg openings, and each attachment panel defines an inner attachment surface (see, e.g., page 3, lines 12 -21; page 18, lines 23-33). The absorbent article also comprises at least one fastening component disposed in the second waist region on the outer surface (see, e.g., page 2, lines 9-18; page 19, lines 27-31), the at least one fastening component comprising a mechanical fastening element adapted to refastenably engage the inner attachment surfaces. The refastenable engagement of the mechanical fastening element and the inner attachment surfaces maintains the absorbent article in the pant configuration. See, e.g., Fig. 1.

Independent claim 9 is similar to independent claim 1, but in claim 9, the attachment panels are bonded to the absorbent chassis in the back waist region (see, e.g., page 16, lines 23-27). In claim 9, as in claim 1, the attachment panels consist essentially of an elastomeric nonwoven material and define inner attachment surfaces. Also, in claim 9, the at least one fastening component comprises a plurality of engaging elements that project outward from the outer surface and that are adapted to refastenably engage the inner attachment surfaces of the attachment panels (see, e.g., page 18, lines 28-33).

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Independent claim 19 is similar to claim 1. The attachment panels again consist essentially of an elastomeric nonwoven material and define inner attachment surfaces. Also, in claim 19, the at least one fastening component comprises a plurality of engaging elements that project outward from the outer surface and that are adapted to refastenably engage the inner attachment surfaces of the attachment panels (see, e.g., page 18, lines 28-33).

Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 are unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 5,846,262 issued December 8, 1998 to Sayama et al. ("Sayama") in view of U.S. Statutory Invention Registration H1674 published August 5, 1997 to Ames et al. ("Ames") and further in view of U.S. Statutory Invention Registration H1750 published September 1, 1998 to Dobrin ("Dobrin").
2. Whether claims 8, 17, 26, and 30 are unpatentable under 35 U.S.C. 103(a) over Sayama in view of Ames and further in view of Dobrin and still further in view of U.S. Patent No. 5,087,263 issued February 11, 1992 to Cooper ("Cooper").

Argument

1. Claims 1, 4, 7-9, 11, 14, 15, 17-19, 21, and 24-34 are not obvious in view of Sayama combined with Ames and further in view of Dobrin.

The pending application has three independent claims – 1, 9, and 19 – all directed to pant-like absorbent articles. Each of the claims includes "attachment panels" that "consist essentially of an elastomeric nonwoven material" and that define "inner attachment surfaces." The specification gives meaning to the phrase "consist essentially of an elastomeric nonwoven material":

The attachment panels are desirably formed of elastomeric nonwoven materials, comprising for example a nonwoven substrate and an elastomeric material. ... In particular embodiments, the attachment panels consist essentially of the elastomeric nonwoven materials such that no separate fastening materials or fastening elements, loop material for example, are formed from or attached to the attachment panels.

Page 3, lines 14-21 of specification (emphasis added). Eliminating the need for a separately attached loop-type fastener simplifies manufacturing and reduces cost. In addition, the fastening components of the claimed embodiments are disposed on the outer surface of the article, and engage the inner

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attachment surfaces defined by the nonwoven attachment panels. In this way, the engaging elements which often project from the surface of mechanical fastening elements are less likely to irritate or "poke" the wearer. See, e.g., specification at page 2, lines 15-19 ("The use of the side attachment panels to engage the fastening component reduces the chance for skin irritation because potentially irritating fastener components, such as hook fasteners, are disposed on the exterior surface of one waist region and covered by the side attachment panels.")

The Examiner's position is that Sayama, Ames, and Dobrin combine to render claims 1, 9 and 19 obvious. The Examiner concedes that Sayama and Ames, whether alone or in combination, do not disclose attachment panels that "consist essentially of elastomeric material as defined by applicant in page 3, lines 18-21 of the specification." Final Office Action mailed November 3, 2006, p. 4. The Examiner attempts to fill this gap with Dobrin, opining as follows:

Dobrin teaches an absorbent article having a nonwoven web outer layer 92 providing the articles with a clothlike look and/or feel and further providing a low cost landing zone capable of engaging hook type fasteners. One having ordinary skill in the art at the time of the invention would have been motivated by the teaching of a cloth-like feel and low cost integral landing zone to modify Sayama with such an outer layer for the benefit of providing a soft, non-irritating fastener, which Sayama teaches is desired.

Final Office Action mailed November 3, 2006, p. 4. Appellants assert that (1) Dobrin does not teach or suggest the use of a nonwoven layer as an inner attachment surface; (2) Dobrin teaches away from using the nonwoven layer as an inner attachment surface; and (3) the primary reference, Sayama, does not suggest the use of a Dobrin-style nonwoven layer as an inner attachment surface, rendering the Examiner's logic for combining Dobrin with Sayama/Ames flawed.

First, Dobrin does not teach or suggest the use of a nonwoven layer as an inner attachment surface. Dobrin, entitled "Absorbent Article Having a Breathable Backsheet," is primarily directed to a a diaper having a dual-layer backsheet having an inner layer and an outer layer. Dobrin at col. 6, lines 52-54. The liquid-impermeable inner layer is narrower than the outer layer, thereby creating multiple zones having varying levels of breathability. See, e.g., Dobrin at col. 8, lines 1-24; Figs. 2 & 3. As is common with dual-layer outer covers for diapers, Dobrin states that "[t]he outer layer preferably comprises a nonwoven web." Col. 7, line 18. In one of its few statements directed to fastening systems, Dobrin discloses that "the outer layer 92 may provide the diaper with a low cost landing zone capable of engaging hook and loop type fasteners." Col. 7, lines 27-29.

However, Dobrin does not disclose or even suggest disposing mechanical fastening elements on the outer surface of a product, so as to engage the inner surface of side/attachment panels. First, the only fastening system configuration Dobrin teaches is the traditional approach in which two fastening tabs

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37 (such as hook components) are affixed to the inner surface of the diaper, designed to engage a landing zone 38 affixed to the outer surface of the diaper. The opposite is not disclosed; that is, Dobrin does not disclose hook members disposed on the outer surface designed to engage a mating member disposed on an inner surface. Dobrin simply says that "the outer layer 92 may provide the diaper with a low cost landing zone." Col. 7, lines 27-29 (emphasis added). See also col. 1, lines 54-59.

Second, what little Dobrin does have to say about the outer layer providing a "low cost landing zone" suggests that the only arrangement contemplated by Dobrin is, in fact, the traditional arrangement shown in Fig. 1, wherein the male-type mechanical fasteners 37 face inward, and engage a female-type landing zone on the outer surface of the diaper. In particular, at col. 7, lines 29-31, Dobrin states that "[s]uch a landing zone could be utilized as a portion of a primary fastening system or as a means for disposing of a soiled diaper." If the mechanical fasteners were disposed on the outer surface of the side panels 30 of Dobrin, it is unclear how a caretaker, in wrapping up the diaper for disposal, would engage the mechanical fasteners with the outer layer 92 without wrapping the diaper "inside-out," in which case the feces and urine would display themselves on the outside of the wrapped-up diaper, rather than be contained inside.

Finally, the motivation to combine Dobrin with Sayama/Ames offered by the Examiner is flawed. The Examiner states that "[o]ne having ordinary skill in the art at the time of the invention would have been motivated by the teaching of a cloth-like feel and low cost integral landing zone to modify Sayama with such an outer layer for the benefit of providing a soft, non-irritating fastener, which Sayama teaches is desired." Sayama is directed to a diaper with a hook fastener affixed to the inner surface of each rear wing, and with a loop fastener affixed to the outer surface of the front waist region. Col. 2, lines 19-29. To prevent the inward facing (i.e., toward the body) hook fastener from irritating the skin, Sayama covers a part of the hook fastener with a soft protective sheet 18. See, e.g., col. 1, lines 32-52; col. 2, lines 54-66.

The Examiner appears to be suggesting that one could employ the "integral landing zone" of Dobrin to "modify Sayama with such an outer layer for the benefit of providing a soft, non-irritating fastener[.]" Final Office Action mailed November 3, 2006, p. 4. However, Sayama's hook fastener (the fastener that Sayama says causes the skin irritation) is on the inner layer of the diaper, not the outer layer. Thus, there is no motivation to import the "integral landing zone" (to use the Examiner's words) of Dobrin to the outer layer of Sayama to reduce irritation; such a substitution would in no way reduce irritation, and an artisan would thus not be motivated to do so, there being no reasonable expectation of success.

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Furthermore, there is no suggestion in Sayama to switch the position of the hook and loop, such that the hook component would be on the outer surface as claimed by Appellants. Instead, the entire thrust of Sayama is to cover the hook fastener with the soft protective sheet precisely because the hook component resides on the inner surface of the rear wings and thus faces toward the wearer, as is traditional for diapers. The key feature of Sayama would be largely irrelevant if the position of the hook fastener were changed from "inward facing" to "outward facing."

The Examiner herself states that "[t]he first and second waist regions [of Sayama] are connectable only by the engagement of an inner attachment surface 15 and fastening components 16." Final Office Action mailed November 3, 2006, page 5. This is partially true: the loop-type fastening components 16 of Sayama, disposed on the outer surface of the garment, engage only with the hook-type fastening components 15, which are described as only being disposed on the inner surface of the garment. See col. 2, lines 19-29. (Of course, Appellants disagree with any suggestion that the Examiner's use of the phrase "inner attachment surface" implies the lack of a separately attached fastener.)

In sum, (1) Dobrin does not teach or suggest the use of a nonwoven layer as an inner attachment surface; (2) Dobrin teaches away from using the nonwoven layer as an inner attachment surface; and (3) Sayama does not suggest the use of a Dobrin-style nonwoven layer as an inner attachment surface, and the Examiner's logic for combining Dobrin with Sayama/Ames is flawed. In other words, there is no motivation to combine Sayama, Ames, and Dobrin – and even if they are combined, such combination does not disclose or even suggest each and every element currently claimed by Appellants.

Accordingly, claims 1, 9, and 19, and all claims which depend therefrom, are believed to be patentable over Sayama, Ames, and Dobrin.

In addition, the Examiner's rejection of claim 34 (Final Office Action mailed November 3, 2006, page 5) is misplaced. Claim 34 depends from claim 1, and further recites the following:

wherein the refastenable engagement of the at least one fastening component to the inner attachment surfaces forms refastenable seams that cover about 80 to about 100 percent of the distance between the waist opening and each leg opening, and wherein an adhesive coating is disposed on the inner surface of each attachment panel, the adhesive coating adapted to engage the fastening component.

Neither Sayama, Ames, nor Dobrin – whether alone or in combination – discloses "refastenable seams that cover about 80 to about 100 percent of the distance between the waist opening and each leg opening." Furthermore, none of the three references – individually or in combination – discloses "an adhesive coating [] disposed on the inner surface of each attachment panel, the adhesive coating adapted to engage the fastening component." Although the Examiner has rejected claim 34 over the

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Sayama/Ames/Dobrin combination, the Examiner does not address these two limitations in her remarks. Appellants assert that the references do not disclose these limitations.

Accordingly, claim 34 is believed to be patentable over Sayama, Ames, and Dobrin for these additional reasons.

2. Claims 8, 17, 26, and 30 are not obvious in view of Sayama combined with Ames, and further in view of Dobrin and still further in view of Cooper.

Claim 8 depends from claim 1 and further recites that the absorbent article comprises a pair of fastening components disposed in the second waist region on the outer surface, the fastening components comprising hook-type fasteners, each fastening component having a length dimension that is generally parallel to the longitudinal axis, a width dimension, and a length-to-width ratio of about 5 or greater.

Claims 17 and 30 are similar to claim 8 but depend from claims 9 and 19, respectively.

Claim 26 depends from claim 19 and further recites that the refastenable engagement of the attachment panels to the at least one fastening component forms refastenable seams that cover about 80 to about 98 percent of the distance between the waist opening and each leg opening.

First, Appellants believe that claims 8, 17, 26, and 30 are patentable over Sayama/Ames/Dobrin for the same reasons set forth above with respect to claims 1, 9, and 19. The addition of the fourth reference, Cooper, does not cure any of the deficiencies noted above.

The Examiner concedes that the three-way Sayama/Ames/Cooper combination "does not provide fastening components with a length-to-width ratio of 5 or greater." Final Office Action mailed November 3, 2006, p. 8. To address this deficiency, the Examiner has assembled a four-way combination among Sayama, Ames, Dobrin, and Cooper. As motivation to add Cooper to this combination, the Examiner says only the following:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the diaper of Sayama/Ames/Dobrin with fasteners such as disclosed by Cooper in order to sufficiently hold the diaper on the user, which Cooper teaches is desired.

Id. Appellants assert that this is a wholly inadequate basis for a motivation to add Cooper to the Sayama/Ames/Dobrin trio. The objective of having a fastening system that will "sufficiently hold the diaper on the user" can be said about virtually every absorbent article fastening system designed over

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the past several decades. Under the Examiner's approach, this extremely general objective could form the basis to add virtually any reference that disclosed virtually any fastening system to an obviousness combination. The Examiner has merely searched for a reference having these particular claim elements (underlined above) and added it to the combination. The law requires more.

As the Federal Circuit has repeatedly stated, it is improper to simply pick and choose elements from various prior art references to negate patentability, absent some motivation to do so:

As this court has stated, "virtually all [inventions] are combinations of old elements." *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed. Cir. 1983); *see also Richdel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1579-80, 219 USPQ 8, 12 (Fed. Cir. 1983) ("Most, if not all, inventions are combinations and mostly of old elements."). Therefore an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 USPQ 2d 1551, 1554 (Fed. Cir. 1996).

To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.

In re Rouffet, 47 USPQ 2d 1453, 1457-58 (Fed. Cir. 1998). Appellants assert that the Examiner has conducted an impermissible obviousness analysis as described in In re Rouffet with respect to claims 8, 17, 26 and 30. Specifically, the Examiner appears to have merely pieced together elements in the prior art without pointing to a motivation or suggestion to do so. The reason the Examiner articulates as an alleged motivation to add Cooper to the combination is merely a recitation of what she believes to be the benefits offered by the diaper of Cooper. Articulating a generic function of Cooper – to "sufficiently hold the diaper on the user" – is a bland and meaningless basis for a motivation to combine.

Neither Sayama, Ames, nor Dobrin discusses any deficiencies presented by each of its fastening systems. Furthermore, Cooper is directed primarily to a universal combination diaper/training pant suitable for wearers of various sizes, and does not disclose any particular or special benefit offered by its fasteners. In sum, the Examiner has identified no meaningful motivation, either in the references themselves or in the mind of one of skill in the art generally, to make a four-way combination among Sayama, Ames, Dobrin, and Cooper.

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Accordingly, claims 8, 17, 26, and 30 are believed to be patentable over Sayama, Ames, Dobrin, and Cooper.

Conclusion

For the reasons stated above it is Appellants' position that the Examiner's rejection of claims has been shown to be untenable and should be reversed by the Board.

Please charge the \$500.00 fee (fee code 1402), pursuant to 37 C.F.R. 41.20(b)(2), for filing this Appeal Brief to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. Any additional prosecutorial fees which are due may also be charged to deposit account number 11-0875.

The undersigned may be reached at: (920) 721-7844.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Mary L. Marchant, hereby certify that on April 12, 2007 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.


Mary L. Marchant

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Claims Appendix

The claims on appeal are:

1. (Previously presented) An absorbent article defining a longitudinal axis, an overall length dimension measured parallel to the longitudinal axis, a transverse axis, first and second longitudinally spaced waist regions, a crotch region which extends between and interconnects the first and second waist regions, an inner surface and an opposite outer surface, the absorbent article adapted to provide a pant configuration having a waist opening and a pair of leg openings, the absorbent article comprising:

an absorbent chassis comprising an absorbent assembly;

attachment panels extending transversely outward from the absorbent assembly in the first waist region, the attachment panels having a length dimension that is about 20 percent or greater of the overall length dimension, each attachment panel consisting essentially of an elastomeric nonwoven material that extends from the waist opening to one of the leg openings and defines an inner attachment surface; and

at least one fastening component disposed in the second waist region on the outer surface, the at least one fastening component comprising a mechanical fastening element adapted to refastenably engage the inner attachment surfaces;

wherein the refastenable engagement of the mechanical fastening element and the inner attachment surfaces maintains the absorbent article in the pant configuration.

2. (Canceled)

3. (Canceled)

4. (Original) The absorbent article of claim 1, wherein the attachment panels consist of an elastomeric nonwoven material.

5. (Canceled)

6. (Canceled)

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7. (Original) The absorbent article of claim 1, wherein the first and second waist regions are not refastenably connectable other than by the refastenable connection of the mechanical fastening elements and the inner attachment surfaces.

8. (Previously presented) The absorbent article of claim 1, further comprising a pair of fastening components disposed in the second waist region on the outer surface, the fastening components comprising hook-type fasteners, each fastening component having a length dimension that is generally parallel to the longitudinal axis, a width dimension, and a length-to-width ratio of about 5 or greater .

9. (Original) An absorbent article defining a longitudinal axis, a transverse axis, front and back longitudinally spaced waist regions, a crotch region which extends between and interconnects the front and back waist regions, an inner surface and an opposite outer surface, the absorbent article adapted to provide a pant configuration having a waist opening and a pair of leg openings, the absorbent article comprising:

an absorbent chassis comprising a liquid permeable bodyside liner, a liquid impermeable outer cover bonded to the bodyside liner, and an absorbent assembly disposed between the bodyside liner and the outer cover;

first and second attachment panels bonded to the absorbent chassis in the back waist region and extending transversely outward from the absorbent chassis, the first and second attachment panels consisting essentially of an elastomeric nonwoven material and having inner attachment surfaces; and

at least one fastening component disposed in the front waist region on the outer surface, the at least one fastening component comprising a plurality of engaging elements projecting outward from the outer surface and adapted to refastenably engage the inner attachment surfaces of the attachment panels;

wherein the refastenable engagement of the attachment panels to the at least one fastening component maintains the absorbent article in the pant configuration.

10. (Canceled)

11. (Original) The absorbent article of claim 9, wherein the attachment panels consist of an elastomeric nonwoven material.

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12. (Canceled)

13. (Canceled)

14. (Original) The absorbent article of claim 9, wherein the front and back waist regions are not refastenably connectable other than by the refastenable connection of the plurality of engaging elements and the inner attachment surfaces.

15. (Original) The absorbent article of claim 9, wherein the absorbent article has an overall length dimension and the attachment panels have a length dimension that is about 20 percent or greater of the overall length dimension.

16. (Canceled)

17. (Original) The absorbent article of claim 9, further comprising a pair of fastening components disposed in the front waist region on the outer surface, each fastening component having an inner end edge disposed toward one of the leg openings, an opposite outer end edge disposed toward the waist opening, a length dimension that is generally parallel to the longitudinal axis, a width dimension, and a length-to-width ratio of about 5 or greater.

18. (Previously presented) The absorbent article of claim 9, further comprising first and second side panels bonded to the absorbent chassis in the front waist region and extending transversely outward from the absorbent chassis, and first and second fastening components disposed on the first and second side panels.

19. (Previously presented) An absorbent article defining a longitudinal axis, a transverse axis, front and back longitudinally spaced waist regions, a crotch region which extends between and interconnects the front and back waist regions, an inner surface and an opposite outer surface, the absorbent article adapted to provide a pant configuration having a waist opening and a pair of leg openings, the absorbent article comprising:

an absorbent chassis comprising a liquid permeable bodyside liner, a liquid impermeable outer cover bonded to the bodyside liner, and an absorbent assembly disposed between the bodyside liner and the outer cover;

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first and second attachment panels extending transversely outward from the absorbent chassis in the back waist region, the first and second attachment panels consisting essentially of an elastomeric nonwoven material and having inner attachment surfaces; and

at least one fastening component disposed in the front waist region on the outer surface, the at least one fastening component comprising a plurality of engaging elements projecting outward from the outer surface and adapted to refastenably engage the attachment surfaces of the attachment panels;

wherein the refastenable engagement of the attachment panels to the at least one fastening component maintains the absorbent article in the pant configuration.

20. (Canceled)

21. (Original) The absorbent article of claim 19, wherein the attachment panels consist of an elastomeric nonwoven material.

22. (Canceled)

23. (Canceled)

24. (Previously presented) The absorbent article of claim 19, wherein the front and back waist regions are not refastenably connectable other than by the refastenable connection of the mechanical fastening elements and the inner attachment surfaces.

25. (Original) The absorbent article of claim 19, wherein the absorbent article has an overall length dimension and the attachment panels have a length dimension that is about 20 percent or greater of the overall length dimension.

26. (Original) The absorbent article of claim 19, wherein the refastenable engagement of the attachment panels to the at least one fastening component forms refastenable seams that cover about 80 to about 98 percent of the distance between the waist opening and each leg opening.

27. (Original) The absorbent article of claim 19, wherein the first and second attachment panels comprise different portions of a single unitary panel member.

28. (Original) The absorbent article of claim 27, wherein an elastomeric material is operatively joined to the first and second attachment panels.

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29. (Original) The absorbent article of claim 27, wherein the attachment panels comprise an inner facing layer, an outer facing layer, and a plurality of elastomeric segments disposed between the inner and outer facing layers.

30. (Original) The absorbent article of claim 19, further comprising a pair of fastening components disposed in the front waist region on the outer surface, each fastening component having an inner end edge disposed toward one of the leg openings, an opposite outer end edge disposed toward the waist opening, a length dimension that is generally parallel to the longitudinal axis, a width dimension, and a length-to-width ratio of about 5 or greater.

31. (Previously presented) The absorbent article of claim 19, further comprising first and second side panels extending transversely outward from the absorbent chassis in the front waist region, and first and second fastening components disposed on the first and second side panels.

32. (Previously presented) The absorbent article of claim 18, wherein the first and second side panels define first and second distal edges, and the first and second fastening components are positioned within about 1 centimeter of the first and second distal edges.

33. (Previously presented) The absorbent article of claim 31, wherein the first and second side panels define first and second distal edges, and the first and second fastening components are positioned within about 1 centimeter of the first and second distal edges.

34. (Previously presented) The absorbent article of claim 1, wherein the refastenable engagement of the at least one fastening component to the inner attachment surfaces forms refastenable seams that cover about 80 to about 100 percent of the distance between the waist opening and each leg opening, and wherein an adhesive coating is disposed on the inner surface of each attachment panel, the adhesive coating adapted to engage the fastening component.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.